## DEBATE IN CONGRESS.

THE PROTECTION OF MARTIN KOSZTA.

We copy to-day from the official reports a portion of the debate on the INGRAHAM Resolution, (of which we gave a synopsis at the time,) embracing

Be it resolved, &c. That the thanks of Congress be and they are hereby presented to Duncan N. Ingraham, commanding the United States sloop-of-war St. Louis, for his judicious and gallant conduct on the 2d day of July last in extending the protection of the American Government to Martin Koszta, by rescuing him from forcible and illegal seizure and imprisonment on board the Austrian brig Huszar.

Resolved, That the President of the United States be and has hereby requested to cause to be made a medal, with suitbe is hereby requested to cause to be made a medal, with suitable devices, and presented to Capt. Duncan N. Ingraham, as a testimonial of the high sense entertained by Congress of his valor, promptness, and judicious conduct on the above men-

Resolved, That the President of the United States cause the foregoing resolutions to be communicated to Capt. Duncan N. Ingraham, in such terms as he may deem best calculated

a committee, and are a mere declaration of thanks to Captain Ingraham, without asserting any thing as to the citizenship of Martin Koszta, I hope the House will conwho desires to speak upon the subject, I move the previous question.

The previous question was not seconded. Mr. WHEELER. I move that the resolutions be referred to the Committee of the Whole on the state of the

Mr. ORR. I was absent for a single moment, and was somewhat surprised that the previous question was not seconded in this matter. I suppose no debate is necessary in regard to the resolutions. If the House understand them. I presume there will be no objection to passing them, as they have been reported unanimously by the Committee on Foreign Affairs. I have so under-

Mr. BAYLY, of Virginia. The committee were unanimous in reporting them.

Mr. ORR. The resolutions which were originally of-

fered by the gentleman from New York (Mr. DEAN) are changed. They provided for giving a sword to Captain Ingraham; but the committee have changed the direc-tion, and provide for presenting him with a medal.

Mr. BAYLY. The resolutions have been changed in more respects than that. We not only changed the direction from a sword to a medal, because we regarded the conduct of Capt. Ingraham as rather civil than military, but we changed it very essentially in other particulars. We avoided all questions about citizenship. If the cussion of this question, and with American authority, House will look at the resolutions they will find that we came forward to support the acts of our officers. If we thank Capt. Ingraham for nothing but judicious conduct in extending protection to a man illegally imprisoned. The ground of the extension of that protection is not settled at all. It was by design, and properly too, that we did not go into that question. We merely thank him for his prompt and judicious conduct in extending the protection of our nationality over Koszta, to which he was undoubtedly entitled. All controverted questions that had been brought up have been carefully left out; and, in this case, I do not hesitate to say properly and judiciously left out.

Mr. MILLSON. Will my colleague yield me the floor to allow me to ask a question? I am informed—and I gather as much from the remarks just made by my colleague-that the resolutions referred to the Committee on Foreign Affairs have been materially changed by that committee. They are long resolutions, and, affecting as they do our foreign relations, they ought to be carefully

Now, sir, I have no hesitation in saying that I have never entertained a doubt that the justification of the conduct of Capt. Ingraham was complete; but not for many of the reasons which have been assigned. I concur resolutions upon the ground that they commit this Govin much of the reasoning contained in the letter of the Secretary of State upon this subject; but I am anxious to see that no resolution passed by the House shall commit Congress to any questionable principle; and for this reason I greatly desire that this matter should be referred to the Committee of the Whole on the state of the Union, and that it shall there be taken up at some early day and disposed of as may seem proper. .
I make these remarks, not with a view of interposing

any obstacle to the passage of the resolutions, but for the purpose of giving me an opportunity of becoming assured for myself that they are in such terms and contain such sentiments as I shall be willing to subscribe to. I can thought in framing them he had followed too closely precedents set in other cases, and especially in one case which I had in view. I thought if we could get them into the Committee on Foreign Affairs, composed of such gentlemen as the gentleman from Pennsylvania, (Mr. CHANDLER,) and others who are known to this House-I mention that gentleman particularly because he is known to be, what he prides himself upon being, not only a Whig, but a Federalist-[laughter:] he has been an editor, and is an able critic; he understands the use of the English language—I say I thought that a committee of that sort, if they met together to talk over their phraseology, could after awhile get them nearly right. Well, we did meet and talk them over. We made suggestions and we made amendments, and at last we got the resolutions in such a shape that the committee agreed to them unanimously

gentleman from New York. My colleague wants to send them now to the Commitright again? Why, sir, this matter of paying a compliment amounts to nothing if it is grudgingly and tardily done. My colleague asks what is the occasion of imme-

affairs. If I may be excused for using technical expressions, this nation has been constantly the plaintiff. We This matter, as presented in the resolutions which now sions, this nation has been constantly the plaintiff. have always been after other nations for what they have | lie upon your table, has been divested of all that doubtnally the plaintiff. I want a new era. I want to see this referred to by gentlemen who have preceded me, viz. the nation sometimes the defendant. I say it emphatically, mittee on Foreign Affairs. We are tired of eternally being the plaintiff; we want to be the defendant some-

I approve of Capt. Ingraham's conduct thoroughly and defends the cause of humanity.

cerned, that a vote of ce entirely. The resolutions avoid assigning the reason for The honorable gentleman from Georgia (Mr. Hillyre) than a vote of thanks. entirely. The resolutions avoid assigning the reason for that approval, and, in my opinion, properly so. There is the judgment; every member of this court may assign at the hands of this House, which is the representative of the nation. A nation of republicans, a nation of free-the simple discharge of his duties as an American officer, the nation. A nation of republicans, a nation of free-the simple discharge of his duties as an American officer, the nation. the reason is a good one or not if the judgment is right.

I think the judgment is right. It does not matter a particle whether Koszta was an American citizen or not. I presume no one claims that he was a citizen, but he prove of conduct which illustrates our common nature, was entitled to American protection; he was illegally and pours splender upon the character of the American seized in violation of the laws of nations; he was impri- nation. soned in violation of law; and I do not care whether he | | Sir, the Queen of England never allows an act of huwas an American citizen or not. Further than that, I do manity towards one who claims to be the subject of Great was entitled to full citizenship? Did he ever contend that

that there are cases in which we may interfere in defence upon their persons or preserving at their homes the that there are cases in which we may interfere in defence upon their persons or preserving at their homes the nary steps to citizenship, was a quasi citizen to such an of humanity and for the prevention of wrongful injuries, tokens of that Queen's appreciation of the exercise of extent as to entitle him to the protection of the Governeven when we are not bound to interfere. I draw a humanity towards her suffering subjects. Is the claim of distinction between where you are bound to do and where American citizenship less than the claim of citizenship you may do it. But, sir, it seems to me that this debate elsewhere? I speak only of inchoate, not perfect citizenyou may do it. But, sir, it seems to me that this debate elsewhere? I speak only of inchoate, not perfect citizenthis matter upon the ground of humanity. That is the has sprung up too suddenly. This is a matter too im-ship. Is the cause of humanity—that is what I would extent, and the only extent, of the ground upon which

I came into this hall this morning, that these resolutions would be reported, or, if reported, that I would say a single word in reference to them. I supposed that they would pass the House without objection being started by as I do some other unfashionable portions of my creed. a single gentleman on this floor. The resolutions have undergone the scrutiny of one of the ablest committees of this House. They have undergone the scrutiny of Demo-cratic and Whig members. They have been reported in Millson) that it will be more acceptable to Capt. Ingrasuch manner that objection cannot be taken to them. The ham after that reference than if we pass upon it at once Government is not committed to any principle to which all parties within the limits of the United States are not enhand here, sir, to reward Capt. Ingraham for what he has done in our behalf, and not to consult his feelings. willing to subscribe.

The gentleman from Virginia proposes that they shall be referred to the Committee of the Whole on the state of the Union. I would inquire of gentlemen who have here-tofore had seats in this Hall, if that motion be agreed to,

Mr. ORR. Then, Mr. Speaker, the object of the gentleman from Virginia (Mr. Millson) I suppose is not to have these resolutions discussed in committee. I am glad to hear that at least. But I think that the House is prepared at the present time to vote on the resolutions. They do nothing more than simply return the thanks of Congress to Capt. Ingraham for a gallant act. It was, sir, an act of gallantry, and it is not necessary that it should be vindicated on this floor upon any other principle, ac-cording to the resolutions, than upon the great principle of humanity. He performed it on the great principle of humanity. And what has Captain Ingraham done? He has infused new life and spirit into your navy; he has infused new life and spirit into your navy; he has life streams in vain in any quarter of the world; when N. Ingraham, in such terms as he may deem best calculated to give effect to the objects thereof.

Mr. DEAN. As there is no proper place to which to refer these resolutions, and as they are reported here by a committee, and are a mere declaration of thanks to and nation on the face of the earth. In the adoption of these resolutions the House does not commit itself and the country does not commit itself to any of the debatsent to their immediate passage; and, if there is no one able propositions which may be contained in the able letter of the Secretary of State, in some of which I fully

These resolutions, sir, do not commit the Government or the country if they should be passed. Capt. Ingra-ham did not deliberate as long as we have been deliberat-ing here before he determined that Martin Koszta should or the country if they should be passed. Capt. Ingra-ham did not deliberate as long as we have been deliberat-

Capt. Ingraham conducted that matter in a foreign country, with a single vessel, in the face of a foe twice as great as the force he commanded himself. There is about this whole matter something which has made me, for one, re joice that the whole affair has taken place.

Sir, there is more than the conduct of Capt. Ingraham I am glad to see that an American Secretary, in the disare that great and proud nation which we claim to be, it is time that we should have something to say in the law of nations. The American Secretary of State has, for the first time, justified the conduct of an American officer by American law and American precedent. I think that heretofore, in the discussion of these questions, our own country has been at fault if she has not attained the position which she is entitled to among the nations of the earth. I am rejoiced, not only that Capt. Ingraham dis-played, in the face of European authority, a gallantry and courage unmatched, in my opinion, in the annals of history, but I am also rejoiced that an American Secretary has placed his justification for the act upon Ameri-

can authority.

Mr. HILLYER. I concur in the resolutions which have been reported from the Committee on Foreign Affairs. I concur in their phraseology. The resolutions themselves will not only go before the country and before the world but the reasons given in their favor will also go before the country. I am not prepared to assent to the reasoning of the gentlemen from Virginia (Mr. Bayly) and of South ernment to no particular policy, to no particular course of argument or reasoning. I desire to commit the Government to both. They seem to advocate the resolutions upon the ground that Capt. Ingraham has acted upon the great moral principle of benevolence, of humanity, in rescuing a distressed individual from the oppression of a foreign Power. That reasoning does not command my approbation, and I must dissent from it. When the de-bate in this House goes before the world, I desire that it shall exhibit other reasons for the passage of these reso-

charity, of humanity.

When a man acts from moral principle he deserves the the thanks of a great nation. We are called upon as the Representatives of an independent nation to thank an officer of our Government for an act performed in the discharge of his official duty. I insist upon it that the see no necessity for any immediate action in relation to them, and I hope, therefore, that they will be referred to the Committee of the Whole on the state of the Union.

Mr. BAYLY. I will say a word in reply to my col-Committee on Foreign Affairs. I did it for a reason that not because he has exercised a charitable feeling, and has taken place? Is it an extraordinary act of humanity? I did not choose to assign at the time. I did it because I performed a moral duty for the relief of a distressed indi- Is it something novel in the history of our naval affairs? thought in framing them he had followed too closely pre- vidual, but because by his gallantry he has asserted a No, sir; gentlemen upon this floor and elsewhere must great American principle—the principle that whenever a foreigner has filed his declaration, under our naturalization laws, of an intention to become an American citizen, he thereby becomes entitled to our protection, and the right to have all the energies of our mighty Republic ex-

erted to rescue him from the oppressor. The position taken by Capt. Ingraham concerns the Republic, and it is for taking that position that he deserves our thanks. However pre-eminent his conduct ple were moved from one end of the Union to another, and may have been as a moralist, it deserves not the thanks of his country.

I say, Mr. Speaker, I have made these remarks not in opposition to the resolutions themselves; nor in opposition to their phraseology, but to let the country know that there are other, and in my judgment better, reasons and they have been reported back to the House by the for supporting the resolutions than those given by the placed when they were originally introduced here. 1 regentlemen from South Carolina (Mr. OBB) and from 'irginia, (Mr. BAYLY.)

Mr. CHANDLER. Having been a member of the comexpress my approval of the words which have fallen from the lips of the honorable chairman of that committee, (Mr. BAYLY,) with a single exception perhaps-I mean to But, beyond that, I undertake to say here we have taken stand upon the right footing when, as an ancient member in this matter a new departure in respect to our foreign of that defunct party, I rise to defend the action of the

Now, I am tired of seeing this nation eter- ful species of question which is involved in the argument his? argument presented by the honorable Secretary of State. we approve of the conduct of a man who, in the name of the Constitution and the laws of his country

portant for any man to undertake to speak upon without now speak of-less to be regarded here and less to be that decision which preparation alone can afford.

Mr. ORR. Mr. Speaker, I had not the least idea, when But we are asked to refer this resolution to the Com-mittee of the Whole on the state of the Union, and we The measure that we are now engaged in is one of self Mr. MILLSON. I only wish to say, Mr. Speaker, that respect. If we were to consult Capt. Ingraham, the ho-I have as much confidence in the Committee on Foreign Re. lations as perhaps any other gentleman on this floor. It is applicable to the case than the old Latin proverb, "Bis out of no want of confidence in its members that I desire the dat qui cito dat' —he gives twice who gives quickly. Why, reference of the resolutions to the Committee of the Whole sir, while we are deliberating, while we are discussing.

the adoption of them when I have examined them. From what my colleague (Mr. Bavly) said I am inclined to the opinion that I shall agree with him in his conclusions; opinion that I shall agree with him in his conclusions; obtained to the state of the auther of these resolutions and amendments; and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of the country of one belligerent, and the other being a resident of th with it, and I shall hope then to take part in the debate. That will be the proper time to consider how far Koszta House of Representatives, January 5, 1854.

Mr. DEAN, from the Committee on Foreign Affairs, to which was referred the resolutions relating to the presentation of the thanks of Congress to Duncan N. Ingraham, reported back the same with a substitute, which was read as follows:

Tofore had seats in this Hall, if that motion be agreed to, whether it is not equivalent to sending the resolutions to their death?

Mr. MILLSON. The motion of reference will ensure the printing of the resolutions. After they have been adopted a motion can be made to reconsider; and to-morrow, after we have had time for examination, the removement of the claim of a citizen, however. It is clear that the Sectors of State is not kingself all the resolutions may be reconsidered and the resolutions may be reconsidered. morrow, after we have had time for examination, the re-ference may be reconsidered, and the resolutions may be as in a more recent case he seems to have departed from that decision. Let it be distinctly understood, however, that this man was not upon Austrian soil; he had noth-ing to do with the Austrian Government. On that ground, and on that alone, if I am to make reference to Koszta's political position, should I take the stand that I have taken in behalf of these resolutions.

I will not occupy the attention of the House in attempt-It is one that appeals to our feelings ing to discuss it. as Americans; it is one that appeals to us as the representatives of Americans. It is no question whether this He fence, but it is a question whether the flag of the United has States streams in vain in any quarter of the world; whether the oppressed and suffering of the world may not claim exception from that species of tyranny to which this man was exposed; and, consequently, whether we ought not, out of self-respect, dignify the legislation of at home and at every place where it is discussed in re-

ference to the navy of our country.

I had an opportunity, sir, a few months since, to listen abroad to discussions on this very question, and though not be seized by Austrian authority and incarcerated in with us his intention to become a citizen-still they be-Austrian dungeons. I trust, sir, that the example set us lieved that humanity and the progress of human rights by Capt. Ingraham in doing his duty promptly will be justify the action of Capt. Ingraham and call for ap-followed by this House.

Mr. RICHARDSON. In the discussion of this subject, cussed, we shall perhaps hear of some new Puffendorr, Mr. RICHARDSON. In the discussion of this subject, Mr. Speaker, I have heard no objection interposed to the language or to the sentiment of the resolutions. They are very simple. They present, in my judgment, a sinare very simple. They present, in my judgment, a single point. The only point presented in them is this: will
Congress return to Capt. Ingraham its thanks for his gallant conduct? I presume, Mr. Speaker, that there is not

power place in our hands. I trust that this House will in this House or in the country one single man having an adopt the resolutions at once, and vote down the motion American heart who does not admire the manner in which to refer them to the Committee of the Whole on the state of the Union.

The previous question on the motion to refer was again called for, and not seconded.

Mr. PHILLIPS. I shall vote for the resolutions which have been reported from the Committee on Foreign Relations. I do so because they are the best which I can get At the same time, I must confess that most, if not all, that was good in the original resolutions has been emas-culated. Sir, we are called upon now to vote for another compromise from this committee. We are called upon not to cast our voices in favor of any principle, but in favor of a resolution from which every principle has been excluded—a compromise between the members of the committee, by which an unmeaning resolution shall be cast before this House for its concurrence and its action. Sir, I agree with the sentiment expressed by the gentleman from Georgia, (Mr. HILLYER,) that it must be evident to this House that, if Captain Ingraham deserves thanks from this House, it is because he asserted by his action, as an officer of our navy, a correct American

principle Now, I understood from the chairman of the Committee on Foreign Affairs that they had studiously drawn these resolutions with a view to exclude from them every principle involved in this case, and to make the matter a mere question of personal thanks for the performance of an act of gallantry upon the part of an American officer.

Mr. BAYLY, of Virginia. The gentleman from Alabama (Mr. Phillips) will allow me a moment to explain, cases. as he misunderstands me. I did not say that we had ex-cluded every question of principle from these resolutions.

I said we had excluded all debatable propositions; that we approved the act, without undertaking to assign the reasons for that approval. Mr. PHILLIPS. I do not misunderstand the gentleman, and have not misrepresented him, or have not intended to do so, in reference to what he stated. The gentleman repeats that these resolutions are so framed as to exclude from them the involvement of every principle

in reference to the rights of citizenship upon the part of Martin Koszta. I did not misunderstand him. Now, sir, I would ask why it is that this House is now lutions than those assigned by the gentlemen-of mere acting upon this question? They are responding to the great movement in the heart of the American people upon the same subject. It is not a matter which originates the fact that the act of Capt. Ingraham was connected with a principle, with the principle of protection, and that protection founded upon a right, and that

great question down to the simple insignificant question to which the gentleman from Pennsylvania (Mr. CHAND-LER) would reduce it, and tell us that the American peo that we are now called upon to respond to that movement, when the whole of this matter was to be placed upon the mere act of humanity in relieving a prisoner from bondage

Now, I say I regret most sincerely that the Committee on Foreign Affairs did not take up these resolutions and put them upon the elevated basis upon which they were gret that the Committee on Foreign Affairs have permitted themselves by any spirit of compromise among its tee of the Whole on the state of the Union. Cui bono? Mr. CHANDLER. Having been a member of the commembers to reduce a great national question down to a To talk over the language of them again? To get them mittee to which these resolutions were referred, I rise to trivial, contemptible question of mere personal thanks for a personal act of gallantry. I say, and with some confidence too, that Capt. Ingraham had no right to involve the men who were under his charge, or involve the diate action. That is partly the occasion for immediate that which related to myself. But since he has imputed property of the Government which was under his charge, action. hazard the peace of this country which was in his keeping, for the mere gratification of any personal feel-ings. What right has an officer of the navy to hazard not only his own personal safety and that of his men, but to hazard the peace of twenty-three millions of people for the sake of gratifying any mere personal feeling of his? When an officer of this country acts he must act upon his responsibility as an officer. He must discharge his duty according to the law which governs his office and I wish it to go out to the country. Not only is that my opinion, but I believe that it is the opinion of the duty of an American commander to defend the rights of and the peace of his country upon any other ground than inchoate citizenship; but we are called upon to say that that he was acting in accordance with the principles of Take away his country and under the flag of his country, asserts and | that foundation, and I say to you, so far as we are con cerned, that a vote of censure would be more appropriate

its appearance here? Whence arises this extraordinary delicacy of gentlemen who do not desire to commit them selves? Commit themselves to what? Why, has the Secretary of State ever contended that this man Koszta not care whether he was entitled to American protection | Britain, no matter what may be his situation, to escape | Koszta, by a mere declaration of citizenship, was entitled r net.

I shall not go on with that idea. But I do maintain dreds of American seamen are at this moment wearing Koszta, by taking the oath of allegiance and the prelimi-

ment. What member here doubts or denies that?
But gentlemen here have gone beyond that, and placed the right of protection was placed by them. It was that Koszta was a citizen so far as entitled him to protection upon the part of this Government when in a foreign land. To that extent, I apprehend, there is little or no land. To that extent, I apprehend, there is little or no division of sentiment upon this floor. That was the prin-ciple asserted in the resolutions as originally introduced by the gentleman from New York, (Mr. DEAN.) But I do say that when the Committee on Foreign Affairs has stricken from the resolutions every thing which can jus-tify Capt. Ingraham as an officer of the United States navy, to whom was entrusted the protection of the lives and property of citizens of this country, they have taken away from him, they have struck from beneath him, the only foundation upon which his conduct could rest for iustification before the American people.

I say, therefore, that I shall vote for these resolutions. but that I shall vote for them because it is the only opportunity of expressing, as a member of this House, my thanks to him for his conduct in the Koszta case. At

adoption. Now, if the Government is responsible for the act, we must stand upon some principle in reference to it. We say that it is because the principle upon which the act of Capt. Ingraham rested is an American principle that we desire the American Government to be held. sponsible; yet we refuse to declare what that principle It is for this reason that I say the proposition before us is unworthy the consideration of the House. If Capt. Ingraham's conduct is to be justified upon the ground of American citizenship, why not declare it in the reso-

From the enthusiasm of certain gentlemen who advocate the passage of these or similar resolutions, and from what my colleague from Alabama (Mr. Phillips) takes ciently distinct and explicit upon that point, and whether to be the great movement in the American heart, I take it is necessary to insert in them the reasons for approvit for granted that I shall be in a very small minority. remember, sir, that on a former occasion in this House I was in a minority of "one" upon a question wilder, more frantic, and more enthusiastic than this, (the Kossuth welcome;) therefore I do not dread minorities, as you may know. It seems that the friends of these resolutions cannot be satisfied with any form of resolution. The gentleman from New York (Mr. SMITH) is not satisfied with the Administration, or with the letter of the Secretary of State. They have not gone far enough for

My colleague from Alabama (Mr. Phillips) complains that the original resolution has been emasculated, and that these resolutions are worthless. Well, sir, I hope that selves, just as explicitly as they would if you should inthese, or any other resolutions of a similar character, worthless or not, as they may be, may not pass this House now or on any other occasio

man, in this extraordinary manner, for doing simply his duty.

It is not at all surprising that we should manifest some It is not at all surprising that we should manifest some consternation and surprise when we see any man doing his duty. Any set of two hundred and thirty-seven men who would deliberately waste fifteen days of the public time in the first month of their session ought to be surprised that any man should do his duty under any circumstances. [Laughter.] Here you propose to thank a commander in your navy for simply doing his duty, and nothing further. And I do say, that, however gallant, personally, however, however, the property of the prop sonally, however honorable to his chivalry and spirit, however noble the act may have been in him as a man, yet, as a national act, I do question its propriety; and I design, on some future occasion, to show that there are these resolutions shall be passed over now, in order that should not have participated in the debate.

So far as the resolution itself is concerned, I feel that, we may discuss them more thoroughly; and on some occasion I shall take the liberty of denying the consequences.

Sir, I would advise my honorable and distinguished great movement in the American heart. Well, sir, a states-man had better be governed by his head than his heart. The head is better than the heart here. Statesmen who country was wild with enthusiasm about Kossuth, and

But let us go back to this proposition. You propose of his duty. Some of the very gentlemen who are to-day so earnestly advocating this measure refused yesterday, and perhaps many times before, to give to a gallant general a mere compliment—the title of lieutenant general to General Scott.

Mr. Speaker, let us be consistent. There are many cases in the history of our navy of this character. When Capt. Long, of the frigate Mississippi, off Marseilles, by his judicious and gallant conduct prevented a rupture between France and the United States by keeping down that insubordinate and rebellious agitator, Kossuth, thereby indicating his great courage, great firmness, and great intuitive sagacity, he was denounced from one end of this Union to the other by the papers which were pandering to the public heart, to use the favorite phrase of the Committee of the Whole on the state of the Union, Mr. BAYLY. I will say a word in reply to my collegue, (Mr. Millson.) Now, in respect to the proposition to refer to the Committee of the Union, let us look at it. When the resolutions were first introduced by the gentleman from New York, where first introduced by the gentleman from New York, where first introduced by the gentleman from New York, which is the first time that such an interference where in the American meant? Will any gentleman upon this floor—will the eloquent gentleman from Pennsylvania, (Mr. Chandler, who has just and in other countries, in order to carry on their commercial translations, great capacity, and great character; and great distinction, great capacity, and great character; solution as it stands and the amendment suggested by the solution as it stands and the amendment suggested by the gentleman from Alabama?

When the resolutions were first introduced by the gentleman from New York, had the first time that such an interference will be of a public character, and concern, the public that that act solution as it stands and the amendment suggested by the gentleman upon this floor—will the eloquent gentleman upon this floor—will the eloquent gentleman upon this floor—will the eloquent gentleman from Pennsylvania, (Mr. Chandler, who has just taken his seat—tell me that the movement in the American meant of interference of vindication, great capacity, and great character; substantial difference in idea or principle between the reconduction, great distinction, great distinction in the reconduction of the state of the whole on the state of the whole on the state of t Alvarado by himself, on his own hook, he was denounced, tried by a court martial, and dismissed in disgrace from the service of his country. Yes, sir, that gallant young lieutenant, for doing more than his duty, and taking a town without the aid of fogy diagrams, was absolutely dismissed from the service for the simple act-all the fleet not doing as much during the whole war. Is that the way you would, in your wisdom, reward merit? Is this the way for a great Government and a great People to be con-

sistent ! Sir, this House is too frequently led away by what may be considered to be popular applause and popular sentiment. I think that it is time for these things to cease am of opinion that Capt. Ingraham, as a man, deserve credit and applause for the gallant and chivalrous impulse by which he was governed and prompted in acting as he did; and as such I applaud and should be proud to do him honor. But I do not wish to commit the Government to an act upon which I look as one of questionable propriety in a national view. These resolutions do not only commit the Government to the act of Capt. Ingraham, but also to the message of the President of the er admiration for the ability of the present distinguished nited States and to the letter of the Secretary of State. They commit it to all by endorsing the act of the com- my friend. I admire his ability, an ability exhibited on mander in the most solemn manner, and in rewarding, not by a sword, but by a medal—which is a higher honor | sion of Martin Koszta's seizure; but there are points fr than that intimated by a sword—the act itself.

When I rose, Mr. Speaker, I had no idea of speaking half as long with half with half as long with half as long with half as long with half with half as long with half w sion, I will now say that it is my intention hereafter to Inion, and ordered to be printed. I hope we shall stay here until the resolutions are better understood, and until

they be defeated in some way or other. consider the object intended to be attained by these resolutions as a very just and very important one. It is a such acts as are not incompatible with his allegiance.

Part of the duty of this House to be performed towards a Clothed with the nationality for commercial purposes

The gentleman who was last up argued that this naval and performed a simple duty, and therefore was formed a simple duty, but he has performed it under circumstances which make this act an example of the highest possible courage—higher courage than is exhibited by a military officer on the field of battle. It is an instance of moral courage, of the very highest moral courage which could possibly have been exhibited. It is not that Commander Ingraham carried his vessel alongside of the Austrian ship, threw his cable over her chains in such a way as to expose his vessel to the fire of a superior force, surrounded by Austrian vessels in the bay of Smyrna; it is not that, sir, which gives him a title to the high honor which we propose to do him, because I have no doubt you may find a thousand officers, or at least may find many officers, in the American navy who would be capable of a similar act of gallantry. But the commander of that vessel was under the necessity of determining a great question of international law, and of taking on himself a high responsibility, relying on the justice and propriety of his own decision, and relying on the support of the people of the United States to sustain him in performing a duty which few of our officers, perhaps, under similar circumstances, would have been ready to perform.

Take an instance somewhat similar in circumstances, but very different in results, and very different in the the same time I must say that the resolutions would be action of the individual who then held the honor and per-

Austrian commander has actually been promoted for the performance of his duty on that occasion. This is the spirit with which these transactions are viewed by foreign Governments.

This is not the proper occasion to enter into an elaborate argument in regard to the principles contained in the Marcy letter, the great questions involved in the passage these resolutions in all shapes and forms, and I desire to say only a few words in justification of my position. 'jection made by the honorable gentleman from Alabama. man upon this floor, whether the resolutions are not suffi-

would not have been judicious conduct on the part of Capt. Ingraham. I think the resolutions speak for themhese, or any other resolutions of a similar character, worthless or not, as they may be, may not pass this House own or on any other occasion.

Sir, what do you propose to do? You propose to thank

Hungary, who had declared his intention of becoming an American citizen," &c.? It does not exclude the fact, because the whole world is aware of its existence. If the gentleman intends to declare an abstract principle of international law, I apprehend this is not the place to as-sert such a principle, and this is not the mode in which it ought to be done. It seems to me that every thing which is important is in these resolutions. It has the sanction of the American Congress—the sanction of a great act of gallantry in an American naval officer, as well as of high moral courage in executing his simple duty, as the gentleman from Alabama (Mr. Smith) says, and that duty the preservation of the rights of those entitled to the protection of the American Government.

Mr. DISNEY. When this resolution was before the reasons for questioning this act. I take the liberty of saying, further, that the letter of the Secretary of State, however elaborated and however ingeniously devised and worded it may be, is fuller of fallacies generally and false worded it may be, is fuller of fallacies generally and false which might be expressed when the resolution was unpositions than any document of its character that has een published under the sanction of the Government in | had it not been that during this discussion some opinions this country for the last twenty-five years. I desire that have been advanced from which I must totally dissent, I

after the exceedingly able, clear, and lucid defence which doctrines asserted in that paper; and perhaps I may be the gentleman from Louisians (Mr. Perkins) has just undertake to give passports of protection to any body but able to induce the House at last to pause to consider its made, any additional remarks of mine in that regard may those who are citizens. You never have, and, in my judgperhaps be said to be entirely uncalled for. That gentle man has placed the resolution and its phraseology, and the friend from Alabama (Mr. Phillips) not to be governed reasons which operated on the committee to adopt that by the heart. He says that we are but responding to a phraseology, upon grounds unmistakable, and, in my judg-

I believe that it is conceded on all hands that the thanks of Congress are justly due to Capt. Ingraham for have been governed by the heart may be found in such his gallant action; and the only difference of opinion, so men as Pericles at the feet of Aspasia, and Samson in the far as I understand it, is in regard to the reasons upon lap of Delilah. Let us follow judgment and not feeling which that act should be based. I believe that every on great national questions, as this unquestionably is. which that act should be based. I believe that every Let us give our heads to the State and our hearts to the women. I remember, sir, that two years ago this whole substantial difference between the resolution as it now reads and the substitute suggested by the gentleman from now it seems to be going wild about Koszta: parallel Alabama, (Mr. Phillips.)

Cases. What is the resolution as it now stands before the

But let us go back to this proposition. You propose House? It proposes a vote of thanks to Capt. Ingraham to reward a naval commander for the simple performance for his judicious and gallant conduct in extending the protection of the American flag to Martin Koszta, under the facts, and under all the facts of the case, without any limitation. It is true that the facts themselves are not specially set forth in the resolution; nor would usage or od taste permit a thing of the sort. But, by necessary and unavoidable implication, the resolution proposes to give a vote of thanks to Capt. Ingraham for extending the protection of the American flag under the facts. Nay, more, sir; the resolution goes further, for it declares that the seizure of Martin Koszta was illegal. What more can gentlemen ask than a resolution which declares that Capt. Ingraham is entitled to the thanks of the American Congress for his judicious and gallant conduct in extending the protection of the American flag to Martin Koszta, who had been seized in violation of his rights and in view of my colleague, (Mr. Phillips,) and to the agitation got his relations to the American Government? Does not that up by a distracting foreigner. Capt. Long was a man of cover the whole case? I ask the question, is there any

gal in reference to other Governments as well as to our crosses the ocean and locates himself in Great Britain for

Koszta: and, by necessary implication, the right of Marlioses his right as a citizen of this republic? And yet tin Koszta to that protection is asserted. I repeat that such must be the result of the doctrine which I combat. the resolution is, as I take it, an avowal of the principles agitated, and whose avowal is asked for by the gentleman

But, sir, as I have already said, the very able elucidaion and defence of the resolution by the gentleman from Louisiana has rendered it entirely unnecessary for me to interpose any additional observations upon these points; but remarks have been elicited during this discussion and opinions have been enunciated, from which I am compelled to dissent. It is at all times unpleasant to differ from one's friends, and the more unpleasant as the occa-Secretary of State than I have. I am proud to call him no occasion with more signal success than upon the occahis letter with which I cannot agree. When this country

tions which I see around me, that it is the sense of the House to let these resolutions lie over for further discusprinciples known to the law of nations. To this I must examine with a great deal of care and elaboration the letter of the Secretary of State, as well as the message of of commerce, the laws of nations have recognised the fact the President of the United States, disputing both as un- that an individual may acquire a domicile in a country sound. In order that the House may have the better op- alien to the one of his origin. They have recognised that portunity to discuss this thing fully and thoroughly as for commercial purposes he may be clothed with the naconnected with the President's message and the letter of the Secretary of State, I move that the resolutions be referred to the Committee of the Whole on the state of the this: that, while he finds the language which he uses running through the books upon the subject, yet he has omitted to notice and recognise the distinction of which I have spoken, that the nationality which is given by do-Mr. STANTON, of Tennessee. Mr. Speaker, like the gentleman from Alabama, I shall state, in the outset of distinction is palpably and unmistakably laid down in the Mr. STANTON, of Tennessee. Mr. Speaker, like the gentleman from Alabama, I shall state, in the outset of my remarks, that I intend to be exceedingly brief. I wery authorities which the Secretary himself cites; and while he is within the jurisdiction of the country within that in this nationality the individual must be limited to which he is residing, within which he is dom

most meritorious officer—a duty as important as any that can be, or is likely to be, performed by this House or this Congress during this session.

The distinction, sir, is an important one. In a state of war between two countries, in order to define the rights has overlooked. It is an important one, vast and mighty in its consequences. nicety, the relations existing with parties under certain circumstances; and it has been held that when an indivinot entitled to the high honor proposed to be bestowed on him by the resolutions. It is true, sir, that he has perto which he owes his allegiance, he does so for commerto which he owes his allegiance, he does so for commer-

cial purposes, but that such nationality does not affect It has been held, sir, by the English and French, as well as by the American courts, that as the property of a country constitutes a part of its strength, so th mate right of a country in time of war is to weaken its enemy by the destruction and capture of its property; and they have held that in the execution of this right it is not to be permitted to an individual, under cover of nationality, to protect the property which is the product of the hostile soil. So in the case of a subject of Great Britain domiciliated in the city of New York, and still retaining his allegiance, never having abjured it to the crown of Great Britain, but still professing and acknow-ledging it. When under these conditions his property is destroyed in a state of war between the two that property, even though it is owned by a British sub-ject, if domiciliated within the limits of the United States of America, is to be considered as American property, and as a just object of legal prize and capture; because, though his allegiance was due to the British crown, and he was in every respect a British subject, yet his domiciliation clothed him with the American nationality for to France to accomplish certain purposes connected with commercial purposes, and his property was therefore his business. Now, sir, while he is there, in the heart of

American property. on the state of the Union. I wish to see the resolutions would be in the state of the Union. I wish to see the resolutions would be in the state of the Union. I wish to see the resolutions would be in the state of the Union. I wish to see the resolutions would be action of the invitadual way then the spirit of our good action is evaporating, while we are deliberating, while we are deliberating and the lives of the Union. I wish to see the resolutions the spirit of our good action is evaporating, and the lives of the Union. I wish to see the resolutions would be action of the invitadual way then the resolutions will be action of the invitadual way then the resolutions will be action of the union of the invitadual way then the resolutions would be action of the invitadual way then the resolutions would be action of the union of the invitadual way then the resolutions would be action of the union of the invitadual way then the resolutions would be action of the union of the

the domicination of the one has clothed him with the na-tionality of the other country for commercial purposes; so strictly has it been held that domiciliation clothes with nationality for commercial purposes. And this prin-ciple is acted on in all cases; and, as I have already said,

the Secretary of State himself.

I am not desirous to weary the House by going into the multitude of cases to be found in the books of England and France and this country, nor to fatigue the House by reading the authorities are points. by reading the authorities now lying before me. Permit me to state, however, in general terms, that the essence of the whole law can be found in Kent. The case of the Venus illustrates it. The authorities are clear and distinct. It is perhaps right and fair to say that in all of these cases the American writers, as well as the Ameri-can courts, have copied and fully endorsed the principles laid down by Sir Wm. Scott.

In reference to the intimations which have been made,

that this right of protection should extend to citizens and persons who have declared their intentions to become ciit is necessary to insert in them the reasons for approving of what the resolutions call a judicious and gallant act on the part of Capt. Ingraham, on the second day of July last, "in extending the protection of the American Government to Martin Koszta, by rescuing him from forcible and illegal seizure and imprisonment on board the Austrian brig Huszar."

Why, sir, it is certainly not to be inferred from these resolutions that the action of this naval officer was a mere act of humanity. If it was a mere act of humanity—an interference in favor of a person who had no right to the protection of the American Government—it certainly would not have been judicious conduct on the part of Capt. Ingraham. I think the resolutions speak for them allegiance to the country of their origin. By its terms, before you recognise them as citizens of these United States, you require them to make an express abjuration of their allegiance to the country of their birth. You require, in addition, that they shall take upon themselves an assumption of allegiance to this country. Neither of these things have been done upon the part of a man who has merely declared his intention to do them at some future day—not now, but in the future—that he would swear and assume that allegiance to you. Upon a mere declaration of an intention in the future to do these things, are you to take the things as though already done, and thereby create all those legal obligations between the parties which clothe them with the relative duties of protection and dependance? No, sir. The Secretary of State too well understood the case to lay down any such doctrine. He merely alluded to the fact, that Martin Koszta had made a declaration of intention, in order to show that his domicile was here, and that his residence among us was made bone fids, and with an intention so to quire, in addition, that they shall take upon themselves among us was made bone fide, and with an intention so to

The Secretary makes a point on the nationality which lomiciliation gives. Why, sir, the whole course and policy of our Government would have to be changed if this doctrine were avowed and sanctioned by the American Congress. Your usage now is, to refuse a passport unless the fact of citizenship is established to the satisfaction of the authorities of the Government. You do not ment, you never will. The policy of this Government has been settled and uniform. While I appreciate all that glowing loyalty which prompts gentlemen to extend the protection of the Government, even before they become itizens, to those who come to this country from foreign lands; and while, as all who know me well understand, my feeling toward the emigrant is as broad and generous as those of any gentleman upon this floor or elsewhere, still a regard to the future of this country-a future which every statesman will endeavor to look to and jealously guard—will not permit me to yield to those feelings when they propose to lead me into the impracticable and the

You have, sir, upon the statute-book a law which recognises the very principle of which I am speaking. You have a law there which declares that any man who, owing allegiance to this Government, shall be found in arms and doing violence to her citizens, though under color of a commission, or of authority and the direction of a foreign prince, shall be deemed and treated as a pirate. That act shows the rule which you have adopted in reference to the conduct of your own citizens; and can you adopt a different rule in regard to the citizens of other Powers? By that act you avow the doctrine that a man owes allegiance to his Government, and can do no act incompatible with that allegiance; and if he does, he thereby compromits his own safety and is a traitor to the country to which his allegiance is due. There must be an express abjuration of his original allegiance and a formal assumption of another before the authority of that other can be held as a justification for his obedience to it in opposition to the allegiance of his origin. Nay, more, it may be well for gentlemen, before they snunciate an opinion upon this subject, to examine with some care what ground our country has taken upon these subjects

own. It is the right of Koszta to protection that is the commercial purposes, with the bona fide intention of acproper foundation of the whole proceeding. proper foundation of the whole proceeding.

Mr. DISNEY. The right to ask protection and the tion to retain his rights as an American citizen, becomes duty to grant it are correlative and co-existent. That entitled to the protection of the British Government, and resolution asserts that Capt. Ingraham did right in ex-tending the protection of the American flag to Martin tive duties of a British subject, and thereby of necessity loses his right as a citizen of this republic? And yet I repeat that the right of protection and the duty which the individual owes the Government are correlative and are co-existent, and where there is no allegiance there is no right or duty of protection. The whole difficulty in this case has arisen from confounding commercial relations with the right and duty of an individual as a subject; and I use the word "subject," not in contra-distinction to the term which we use in this country, that of "citizen," but to designate the relations between the overned and the Government. I am inquiring into the relations of the individual under the Government, without regard to a foreign Government. The right and duty of an individual under a Government, viewed in his polical relations to that Government, and the rights of that individual towards that Government in his commercial transactions, in regard to the property of the country in which he is a resident, are different and separate things.

Mr. PHILLIPS. The gentleman from Ohio states a proposition accurate in itself; that is, that allegiance and rotection are correlative. I would then ask him whether that protection is not due to the individual who establishes his home among us, though the full term of five years may not have expired which admits him to the right of

full citizenship?
Mr. DISNEY. I am glad that the gentleman from Alabama has asked this question, and called my attention precisely to this point. There are two sorts of allegiance he books of this country and Europe recognise them with entire distinctness—the temporary allegiance grow-ing out of a domicile, and connected with the commercial ransactions of the country, and the permanent allegiance growing out of the duties of the citizen in the abstract, without regard to his commercial relations and connexion with the property of the country. Permanent allegiance imposes upon an individual the obligation to support, de-fend, and obey the Government, whether at home or provided they are not incompatible with the obligations he owes to the country to which his permanent allegiance

in its consequences.

Take the case of Koszta to illustrate this. While he remained within the limits of the Republic, with an intention to remain permanently here, he owed temporary allegiance to the Government, and was entitled to protection within its jurisdiction. But if he had left these shores without the intention of returning, no sooner had he quitted the dock at New York than he would have been divested from all his obligations of temporary allegiance to this Government, and this Government would have been relieved from all obligations in respect to his protection. They were under obligations to protect him in his property and in his relations to his property, but not to pro-tect the individual outside of the jurisdiction of the country on account of any claim which he may have acquired in his relations to the institutions of the country during his residence here.

But, sir, before we can decide whether Martin Koszta was entitled to any privileges even of domiciliation, must first inquire into the intention of the party in leaving our shores, whether it was for temporary purposes merely. In the case of Koszta, he left, as we understand, with the intention of returning to this country. What, then, was the position he occupied? To that question, my reply is, that he occupied precisely the position of a British subject residing, domiciliated as a merchant, in New York, who leaves the country and takes a voyage France, he is an American merchant but a British sub-